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United States District Court
Northern District of California

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UNITED STATES OF AMERICA,
Plaintiff,
v.
NATHANIEL YANCEY,
Defendant.

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Case No.: CR 06-00011-CW (KAW)
CR 12-00777-CW (KAW)

**ORDER REGARDING REQUESTS FOR
IN CAMERA REVIEW OF PERSONNEL
RECORDS**

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12 On April 30, 2013, the district court issued three subpoenas duces tectum for law
13 enforcement personnel records from the Milpitas Police Department (Dkt. No. 26), the Richmond
14 Police Department (Dkt. No. 27), and the Contra Costa County Sheriff's Department (Dkt. No.
15 28). Attached to each subpoena was a copy of General Order 69, which governs the process for
16 subpoenaing and using personnel or complaint records of state law enforcement officers testifying
17 in federal court.

18 In response, all three law enforcement agencies produced the documents to the court and
19 requested that the district court conduct an in camera review of all records to determine whether
20 the documents should be disclosed to Defendant's counsel. The district court referred all three
21 productions to the undersigned to determine how to proceed. (Dkt. Nos. 34-35, 37.)

22 Adopted in 2012, the purpose of General Order No. 69 is to "minimize the need for
23 judicial review of subpoena requests and documents produced pursuant to subpoena requests"
24 because "it offers local law enforcement agencies the protection of an automatic protective order,
25 a mechanism for return of records, and an assurance that the Court will rule on the admissibility
26 of any records in advance of a hearing." All three law enforcement agencies were provided with
27 a copy of General Order No. 69, which outlined the procedure to contest disclosure. None of the
28 agencies filed a motion to quash.

1 Accordingly, the use of the records previously provided to the Court will be produced to
2 defense counsel pursuant to the model protective order attached to General Order No. 69.
3 Defense counsel, as the requesting party, shall produce copies to the Government or make the
4 records available for inspection and duplication. The parties may not use the records in any court
5 proceeding or otherwise disclose any portion of the records or their contents without a court
6 order. At the conclusion of the case, including the final disposition of an appeal of any
7 conviction, the parties shall return the records to the court or the producing agency.

8 **IT IS SO ORDERED.**

9 Dated: May 23, 2013

Kandis Westmore
10 KANDIS A. WESTMORE
11 United States Magistrate Judge

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